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Via ECF

August 4, 2020

**MEMO ENDORSED**

Honorable Katherine Polk Failla  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: Roberts v. BroadwayHD LLC, et al., No. 1:19-cv-09200 (KPF)(RWL)

Dear Judge Failla:

We represent defendant Sony/ATV Music Publishing LLC ("SATV") in the above-captioned action to request an adjournment of the deadlines for SATV's motion to dismiss Plaintiff's First Amended Complaint.

Until this week, Plaintiff and SATV had been engaged in settlement discussions regarding the resolution of Plaintiff's claims against SATV, including the production of certain documents and information requested by Plaintiff. At the time of SATV's last adjournment request to the Court, SATV was waiting on additional information from Plaintiff.

On Monday, Plaintiff informed SATV that he would not be producing the requested information, and that extensive third-party discovery is required before he would resume settlement discussions. As a result, SATV will be moving forward with filing its motion to dismiss.

Pursuant to Your Honor's ECF Order, dated July 9, 2020, SATV's motion to dismiss is due to be filed on or before August 7, 2020. Because SATV only received notice of Plaintiff's position on Monday, SATV respectfully requests that the deadlines for SATV's motion to dismiss be adjourned to the following dates:

- Opening Brief to be filed on or before September 2, 2020;
- Opposition Brief to be filed on or before October 1, 2020;
- Reply Brief to be filed on or before October 16, 2020.



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This is SATV's third request for the adjournment of briefing deadlines for its motion to dismiss, and Plaintiff consents to this request. This will be SATV's final request for the adjournment of these briefing deadlines unless settlement talks resume in the interim in good faith. The requested adjournment should not necessitate the adjournment of any other deadlines in this action.

Respectfully submitted,

/s/ Linna Chen  
Linna Chen  
Partner

cc: Counsel for all Parties (via ECF)

Application GRANTED. The Court adopts SATV's proposed briefing schedule.

Dated: August 4, 2020  
New York, New York

SO ORDERED.

A handwritten signature in blue ink that reads 'Katherine Polk Failla'.

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE